

CHAPTER 86-03-05

RESIDENT - RIGHTS, PRIVILEGES, RESPONSIBILITIES

Section

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86-03-05-01. Resident bill of rights - Responsibilities. The home has compiled a resident bill of rights which is available to all residents, guardians, next of kin, and other interested individuals upon request. Its purpose is to ensure residents of rights guaranteed to them in the Constitution of the United States. The home imposes the same responsibilities on a resident as citizens are subject to in any community. These responsibilities include: respecting the rights of others, obeying the rules, helping to keep the home safe and clean, and taking care of one's health. A resident must be courteous to visitors, friends, and staff. If a resident's behavior is disruptive or disgraceful, or affects the well-being and comfort of other residents, such behavior shall not be tolerated. Residents are asked to report safety hazards and keep themselves neat and clean, and to assume the major responsibility for personal health and hygiene.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-02. Resident dress code - Violations.

1. Clothing must be neat, clean, and mended. Pajamas, nightgowns, robes, or housecoats may not be worn to the dining room or first floor areas accessible to the public. White T-shirts, undershirts, and underwear must be adequately covered with an outer garment and may not be worn in the dining room as outerwear. Trousers, shirts, skirts, and blouses must be properly closed. Generally, residents may not wear shorts in the dining room unless they are Bermuda shorts or reach midthigh.
2. Hair curlers or clips may not be worn in the dining room at mealtime, and hair must be neatly groomed. Socks and shoes, which include boots, tennis shoes, and sandals, must be worn in the dining room. If neither shoes nor socks can be worn, permission must be received from the infirmary and cleared through food service before the resident is served.

3. Violations of the dress code must be reported to the food service supervisor or the commandant or his assistant. A resident violating the dress code must be refused dining room service.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-03. Smoking - Restrictions. Smoking is permitted in the home with the exception of the kitchen and dining room, elevators, infirmary, front lobby, and other areas which are specifically marked. Residents may not smoke while in or on the beds.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-04. Use of alcohol or controlled substances - Prohibited. Residents shall comply with the provisions of North Dakota Century Code section 48-05-06. Intoxicating liquors or a controlled substance may not be used on the grounds or in the buildings. A resident's person, personal effects, car, and room may be searched if a staff member has reasonable cause to believe that a resident is under the influence of intoxicating liquors or a controlled substance, or is suspected of bringing contraband of any kind onto the grounds or into the buildings. A resident who is intoxicated or who brings liquor or other controlled substances onto the premises shall become involved in the home addiction program. A resident who refuses to do so is subject to immediate disciplinary discharge. A resident who is repeatedly intoxicated or found to have any alcoholic beverages or controlled substances on the premises is, without excuse, subject to discharge.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2), 48-05-06

86-03-05-05. Guests - Visitation. A resident may have family or friends visit at the home. Guests may visit each day from eight a.m. to nine-thirty p.m. A resident shall remain with his or her guests. Residents and guests may visit either in the resident's room or in the visitor lounges. Residents and guests may play cards, and residents may treat their guests to coffee in the recreation room. However, visitors may not participate in home activities which include, but are not limited to, bingo, movies, and other events sponsored by outside groups or by the home itself. A resident is responsible for the behavior of the resident's guests, and visitors may be asked to leave if they become disruptive. A resident may invite guests to meals,

provided that the resident pays a nominal fee for each meal, and that nursing or food service personnel are notified one hour before the meal is served.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-06. Children - Visitation. Children under eighteen years of age are not allowed in the building unless they are supervised by and remain with a staff member or an adult supervisor. Children visiting a resident unaccompanied by an adult visitor are allowed only in the lobby, recreation rooms, and lounge areas where they can be supervised by a staff member.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-07. Resident council - Composition. A resident council consisting of a delegate and alternate delegate from each floor must be elected by the residents and serve for a term of eight months. A chairman must be elected from the delegates and is the representative of the council to the administration.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-08. Monthly meetings. Residents shall attend monthly meetings unless they are away on pass or leave. Generally, monthly meetings are scheduled for the third working day of each month, and are conducted by the commandant or a subordinate. The agenda for monthly meetings includes: announcements, observations, complaints, and other matters which may require discussion by staff or residents.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 37-15-03, 37-18.1-03(2)

86-03-05-09. Resident complaints - Appeals.

1. A resident who has a complaint may take it to the addiction counselor, activity therapist, chaplain, supervisors, aides, or administrative personnel. A complaint which cannot be resolved in this manner must be forwarded to the commandant for appropriate action.
2. A resident who has a complaint or problem with the home or staff may take it to the commandant during regular business hours. If a resident is dissatisfied with the commandant's response, the matter may be appealed to the administrative committee on veterans' affairs, provided that the appeal is in writing, contains reasons for the resident's

dissatisfaction, and is submitted to the commandant within seven working days of the commandant's response.

3. The commandant shall forward the appeal together with his report, investigations, and other relevant data to the chairman of the administrative committee on veterans' affairs. The appeal must be reviewed at the next meeting of the administrative committee on veterans' affairs.
4. A resident who is dissatisfied with the decision of the administrative committee on veterans' affairs may appeal the decision to a court under the procedures outlined in the Administrative Agencies Practice Act as set forth in North Dakota Century Code chapter 28-32.

History: Effective May 1, 1987.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-05, 37-15-03, 37-18.1-03(2)